IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5933 OF 2004

Mashal Sarfraj Daudsaheb and
another ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr. P.R. Arjunwadkar, for the Applicants.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

10th January 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Offence punishable under section 307 of the Indian Penal Code has been registered against the Applicants. However, learned A.P.P. fairly accepts that no injury has been suffered by the complainant. If it is so, the question of applying section 307 of the Indian Penal Code becomes doubtful. In any case, the Applicants are in custody since 25th November 2004 and are

presently in judicial custody. Even for this reason, the Applicants deserve to be enlarged on bail on strict conditions, even though accused No. 5 is allegedly absconding.

(a) Applicants are enlarged on bail in connection with CR.No. 367/2004 registered with Jail Road Police Station, Solapur, on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) each with two local sureties in the like amount respectively.

(b) The Applicants shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicants shall not enter the jurisdiction of the Jail Road Police Station, Solapur, till the investigation is complete. It will be open to the Applicants to apply for relxation of this condition after filing of the charge sheet.

(d) The Applicants shall extend necessary co-operation for the purpose of investigation to the investigating officer as and when called upon.

(e) The Applicants shall extend necessary co-operation to the trial Court for early disposal of the case. If the trial Court is of the opinion that the Applicants are for any reason responsible for the delay in disposal of the case, that fact shall be recorded in the roznama, which can be a ground for cancellation of bail.

(f) The Applicants shall report to the nearest Police Station where they intend to reside once a week on Saturday between 10 a.m. to 2 p.m. till the filing of the charge sheet.

(g) The Applicants shall inform their place of residence to the investigating officer as well as the trial Court within one week from the date of their release.

. Application disposed of on the above

terms.

(A.M.KHANWILKAR,J.)